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June 14, 2023

Via ECF

Honorable Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

APPLICATION GRANTED
SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 06/15/2023

Defendants shall file any Counterclaim and
Third-Party Complaint in Interpleader by
June 29, 2023.

Re: *Fernchurch Consulting, LLC v. Bank of America Corporation et al.*
Letter Motion for Extension of Time to File Counterclaim and Third-Party
Complaint in Interpleader
Case No. 1:23-cv-02379-VSB

Dear Judge Broderick:

This firm represents Defendants Bank of America, N.A. (“BANA”), Bank of America Corporation (“BAC”) and Bank of America CDFI Funding Corporation (“BOA CDFI”) (collectively, “Defendants”)¹ in the above-referenced matter. Defendants respectfully requests a two (2) week extension of time to file a Counterclaim and Third-Party Complaint in Interpleader, making the new deadline **June 29, 2023**. Counsel for Plaintiff does not consent to this request.

The current deadline for Defendants to assert additional causes of action is June 15, 2023. There have been no previous requests for an extension of time by Defendants. The requested extension does not affect any other scheduled dates or deadlines. Defendants are requesting the additional two (2) week extension to work out some potential conflicts of interest involving Defendants’ counsel and not for purposes of delay or waste but rather for an expedient and sensible resolution of this matter.

Thank you for your time and consideration.

Respectfully Submitted,

/s/ Shan Massand

¹ The bank account at issue is maintained at Bank of America, N.A. BAC is the ultimate corporate parent of BANA. BAC is not a bank and does not maintain consumer bank accounts. BOA CDFI is a wholly-owned subsidiary of BANA. BOA CDFI participates in the U.S. Treasury Department’s Community Development Financial Institution Bond Guarantee Program as a Qualified Issuer. BANA, not BAC or BOA CDFI, therefore, is the only proper defendant in this action. Plaintiff’s counsel represented that he would voluntarily dismiss BAC and BOA CDFI as they are incorrectly named in this lawsuit but to date has not done so.

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cc: All Counsel of Record (via ECF)